

Jonathan Rosenfeld's Nursing Homes Abuse Blog

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[Illinois Supreme Court Upholds Patients' Rights In Medical Malpractice Cases](#)



For the third time in recent years, the Illinois Supreme Court has rejected the State legislatures attempt to limit the rights of those who have been harmed by negligent doctors and hospitals.

This most recent decision held section 2-1706.5 of the Code of Civil Procedure was unconstitutional because it violated the separation of powers between the judiciary and legislative branches of government. Under section 2-1706.5, an injured person was limited in their recovery of non-economic damages of \$500,000 against

doctors and \$1,000,000 against hospitals.

The Illinois Supreme Court addressed these issues when it took on the case of [Lebron v. Gottlieb Memorial Hospital](#), No. 105741 (Ill. 2010). In [Lebron](#), the child's family brought a medical malpractice lawsuit against a hospital, alleging the hospital's negligence during delivery resulted in multiple injuries including: brain injury, cerebral palsy, cognitive mental impairment, necessity for a gastronomy tube and other functional impairments.

Although the Illinois legislature did not set caps on 'hard damages' such as past and future medical expenses, the limits applied to less tangible damages. Generally, courts consider the follow to be 'non-economic' damages:

- Pain & Suffering
- Disfigurement
- Loss of normal life
- Loss of society

Jonathan Rosenfeld represents victims of nursing home abuse and neglect throughout the country. For more information please visit Nursing Homes Abuse Blog (www.nursinghomesabuseblog.com), Bed Sore FAQ (www.bedsorefaq.com) or call Jonathan directly at (888) 424-5757.

As lawyers who handle medical malpractice cases throughout Illinois, this decision represents an important commitment by our courts to protect the rights of those who have been injured or killed due to medical errors. While, no amount of money can undo an injury caused by a physician's negligence, at least these people will have an opportunity to have their day in court and the opportunity to allow a jury of their peers to render an award that is reasonable.

Related:

[Lebron v. Gottlieb Memorial Hospital](#), No. 105741 & 105745 (cons.)

[As Congress Debates Health Reform Measures, Some Still Want To Strip Injured People Of Their Legal Rights](#)

[Who Benefits From Damage Caps In Nursing Home Lawsuits?](#)